

Regular Meeting
Monday, February 01, 2016
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- 1 **CALL TO ORDER - 7:00 PM**

Mayor Winstead called the meeting to order at 7:00 p.m.

Present: Councilmembers C. Abrams, T. Busse, A. Carlson, D. Lowman, and J. Oleson

Absent: J. Baloga
- 2 **INTRODUCTORY**

Requested Action: Discussed the car accident involving Public Works employees Tyler Lenort and Daryl Bittmann and called for a moment of silence.
- 2.1 **FLAG PRESENTATION**

Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 2.2 **Proclamation Recognizing Craig Plekkenpol Day**

Requested Action: Mayor Winstead read the proclamation declaring February 20th Craig Plekkenpol Day in Bloomington. The proclamation recognizes Craig's 45 years of service as founder and President of Plekkenpol Builders, a Bloomington remodeling company. The proclamation also recognizes his advocacy for the remodeling industry and many awards including the recent Robert L. Hanson Industry Service Award from the Builders Association of the Twin Cities.

Mayor Winstead mentioned the Bloomington Home Improvement Fair that will be held on Saturday, February 20. HRA has invited Plekkenpol to be the keynote speaker at this popular biennial event.

Craig Plekkenpol gave a speech accepting the proclamation.
- 3 **CONSENT BUSINESS**
- 3.1 **2016 Contract for Services between Bloomington and Port Authority**

Requested Action: Hold for 3.1 by Councilmember Oleson. Councilmember Oleson moved to adopt 3.2 and 3.3.

Seconded by Councilmember Carlson.
Motion carries 6-0

Councilmember Oleson stated Council is being asked to renew the 2016 contract for services with Port Authority. Oleson asked Community Development Director Larry Lee to give an overview of what Port Authority does and its relationship with the City of Bloomington.

Community Development Director Larry Lee spoke briefly about Port Authority, mentioning that employees of the Housing Authority and Port Authority agencies act like and work like city employees, but with an extra step where the board contracts with the City. This has been a good way for

organizing staffing of those two agencies. Lee explained that Port Authority is responsible for city development actions, the south loop district east of highway 77. Port Authority has taken on additional areas, namely 700 and 900 American Boulevard. The main focus has been developing the South Loop District.

City Manager Jamie Verbrugge added that Port Authority is a statutorily authorized body appointed by City Council. They are granted with certain powers for entering into contracts and for the management of tax increment finance districts. There is a differentiation of powers between HRA and Port Authority with a sophisticated setup.

Councilmember Oleson moved, 3.1.
Seconded by Councilmember Lowman.

Motion carries 6-0

3.2 Extension of Professional Engineering Services Agreement Consultant South Loop Local Road Wayfinding Project Approve

Requested Action: Staff requests approval of Amendment No. 1 to the Professional Services Contract with Alliant Engineering, Inc. for engineering services for construction management of the 2013-201 South Loop Local Road Wayfinding Project.

The scope of professional services for construction management also includes development of protocol and operational plans, and deployment of software systems that are needed to operate the electronic signs.

Amendment No. 1 extends the Professional Services Contract to August 30, 2016 in order to complete tasks identified in the original professional services contract. The amendment does not change the not-to-exceed amount of \$217,224.

The 2013-201 project included the installation of traffic monitoring cameras and construction of electronic and static signs on the local roads within the South Loop District (24th Avenue, Killebrew Drive, Lindau Lane, etc.) to provide information to drivers on routes to District destinations, routes to freeway access points, and parking locations. In addition to the signs and hardware installed, a software and communication system is being deployed to operate the electronic signs.

Staff requests approval of Amendment No. 1 to the Professional Services Contract with Alliant Engineering, Inc. for engineering services for construction management of the 2013-201 South Loop Local Road Wayfinding Project.

3.3 Meeting Minutes City Council-Approval

Requested Action: Approve the October 12, 2015 (Study) and November 9, 2015 (Study) City Council Meeting minutes as presented.

Approve the October 12, 2015 (Study) and November 9, 2015 (Study) City Council Meeting minutes as presented.

4 PUBLIC COMMENT PERIOD

4.1 Response to Prior Meeting's Public Comments

Requested Action: City Manager Verbrugge stated there were comments from Ms. Ness from last week's Council meeting about 8201 Park. Staff reviewed those comments and found that they were consistent with comments made at a previous meeting, therefore no additional comments at

this time.

**5 LICENSING DIVISION:
PUBLIC HEARINGS**

**5.1 Hyatt Regency BCS;
New On-Sale
Intoxicating Liquor
License Application**

Requested Action: Councilmember Abrams moved to approve the license of on-sale intoxicating liquor license for Aimbridge Concessions Inc., doing business as, Hyatt Regency Bloomington Central Station.

Seconded by Councilmember Busse.
Motion carries 6-0

**5.2 Willy McCoy's; New
On-Sale Intoxicating
Liquor License
Application**

Requested Action: Councilmember Carlson moved to approve the on-sale intoxication liquor license for Willy McCoy's of Bloomington, LLC, doing business as Willy McCoy's.

Seconded by Councilmember Busse.
Motion carries 6-0

**5.3 Willy McCoy's; New
Lawful Gambling
Premise Permit**

Requested Action: Mayor Winstead explained that staff is requesting approval of the lawful gambling premise permit for Champlin Park Baseball Association, doing business at Willy McCoy's.

License Inspector Doug Junker reminded Council that the gambling premise is a state license. Each city has the authority to tack on additional items to that. We get monthly tax statements from them. We also have a requirement within City Code that the entity with the premise permit spend 30% of proceeds in Bloomington or a city contiguous to Bloomington. They are required to turn in an annual report showing those expenditures are made. This is unique because it is a mentor relationship with Bloomington hockey.

Mayor Winstead said the materials stated that they would establish a mentor permit, but it wasn't stated where the proceeds would be going in the community and wasn't directed toward anything in particular in the community. Junker said there's nothing saying the organization has to say ahead of time what they're spending money on. Mayor Winstead said this does not meet the criteria put forth.

Treasurer of Jefferson Hockey Club Mike Lenz spoke. Lenz said Champlin has offered to come in and begin the program at Willy McCoy's. Hockey is not a cheap sport with roughly \$2,000 in fees per child, and approximately 250 families within the Bloomington Jefferson program. This is a 501C3 organization, so there are scholarships, but would like to augment that a bit since scholarship maximum amount is only \$600. As of December 1, bi-laws have been augmented to allow charitable gambling within the program which must be in place for 6 months to satisfy the Minnesota Gambling Control Board. Champlin has offered to come to get it started for six months. Then around June, Bloomington Jefferson Hockey will take over the operation and will go solely operating by the community of Bloomington.

Mayor Winstead said he supports this, but it would be appropriate to have a statement from Champlin stating their intent is to help fund and the proceeds generated be given to Bloomington as an organization. Junker added that the lawful expenditures of 30% in our code must remain here. Lenz said they are currently in the process of getting documentation.

Abrams said she supports Lenz' encouragement to the Jefferson Hockey program. In this application, the letter from Mr. Terry Christle articulates all the aspects of the relationship except the 30% provision. At least for the

next six months, would like to know that 30% provision is in place. Winstead moved the approval, pending receipt of a statement from Champlin Baseball Association that their intent is to fund the appropriate percentage for the lawful funds to the City of Bloomington Jefferson Hockey Association.

Seconded by Councilmember Lowman.
Motion carries 6.0

**5.4 Clover Liquor;
Approval of Interim
Management
Agreement**

Requested Action: Councilmember Abrams moved to approve the interim management agreement between B3 Investments, LLC, and TS7 LLC, doing business as, Clover Liquor.

Seconded by Councilmember Carlson.
Motion carries 6-0

**6 DEVELOPMENT
BUSINESS: PUBLIC
HEARINGS**

**6.1 Nath Companies, LLC
Village Square;
Portland Ave.;
Preliminary and Final
Development Plan**

Requested Action: City Planner Michael Centinario explained this is a major revision to the Preliminary and Final Development Plans for building exterior and parking lot modifications to an existing shopping center at Village Square Shopping Center.

Centinario provided aerial maps and drawings to explain the plan for modifications and pictures of the existing conditions of this shopping center. Explained that the west facade would be entirely reconstructed. The same number of entrances and windows would remain. The Walgreen's entrance would become more prominent. Proposes to remove parking area near Jimmy John's and add a patio, fencing, and landscape and remove several parking spaces.

There is no boulevard between Portland Avenue and setback, making it an uncomfortable pedestrian environment. Only portions would be reconstructed entirely. This proposal would re-establish an 8-foot sidewalk. In addition, there would be a buffer where landscaping can be incorporated. A 3 foot parking lot screen for visual break and car lights. Applicant has landscape plan for perennials and grasses but a lot more can be done with the 8 feet that what is being proposed. With this application, there are a number of deviations.

1. Setbacks

2. Parking lot setback: losing 10 parking stalls due to reestablishing boulevard and constructing the 8-foot sidewalk. To construct, a strip of parking along Portland Avenue that would be lost. Deviation is a little over 9%. Without Proof of Parking, it would be over 17%. Staff is not comfortable supporting that level of deviation, so the Proof of Parking would be needed.

There are maintenance issues near the loading area with deterioration. These improvements will be reconstructed through the anchor tenant that will be moving in.

Mayor Winstead asked if previous plans for this shopping center included removing the building in the corner. Centinario showed the site plan that was approved in 2012, displayed on the overhead. One large L-shape was going to be become two. The plan has changed. Mayor Winstead asked if it was the same owner. Centinario confirmed yes.

Councilmember Abrams asked how much of an investment this will be for

the property owner. Centinario said this is a significant improvement and deferred to the property owner representatives for the dollar figure.

Pete Stork, Nath Management spoke on behalf of the owners. Explained this will be over \$1 million but has not done outside bidding because they wanted to get through City processes first.

Councilmember Oleson said he is pleased with the action that is being taken. Oleson stated that the whole area begs for a big picture approach and asked how this affects how we look at this from a big picture approach. HRA is looking at the preparing when the developers are ready. Planning Manager Glen Markegard said staff anticipates that this would involve private sector investment along with opportunities that would require City assistance. Be ready for the opportunities as they arise. Place the priority areas, know where we want to emphasize in terms of investment. Have resources and programs in place for when that happens so we're ready to take advantage of the opportunities. This will definitely involve public assistance.

Councilmember Oleson said developer at a meeting a few months ago, that when they make a decision, they make it within 30-45 days. Asked that councilmembers be given a heads-up where things are at with code and ordinances. Oleson would like to motion.

Councilmember Lowman asked where the bus stop is and how it would be integrated in the plan and how it will look once it's complete. Centinario said there are several bus stops in the area and a benefit of this is that there would be sidewalk improvements. There would be more of a buffer to reduce water splashing from cars driving by on Portland Avenue. Councilmember Lowman added that this is fantastic to see what this is going to look like.

Councilmember Oleson asked about the bike racks that will be added. Centinario did not know the specific number of bike racks to be installed but confirmed they do want them installed. Sidewalk would not be striped as a trail but will have an 8-foot width.

Councilmember Oleson motioned. In case 9742AB-15 having been able to make the required findings, moved to approve a major revision to preliminary and final development plan for exterior and parking lot modifications to the existing shopping center located at 7819 and 7839 Portland Avenue, and 615 and 625 E. 78th Street, subject to the conditions listed in the staff report.

Seconded by Councilmember Lowman and Councilmember Abrams.

Councilmember Busse added this is applicant-driven, and is thrilled they are willing to do this. This can be done and there are long-term benefits.

Motion carries 6-0

Closed Public Comment Period

Requested Action: Mayor Winstead asked if anyone else wished to address the Council or the Public Comment period would be closed. Nobody came forward to speak so he closed public comment period at 7:54 PM

7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS

8 ORDINANCES: PUBLIC HEARINGS**8.1 Nesbitt Industrial; 6100 W 100th St.; Rezone, Preliminary and Final Development Plan**

Requested Action: Planning Manager Glen Markegard explained the location and said there has been a prolonged period of vacancy at the office building to the south. The applicant believes it would help to separate it into its own parcel, therefore proposing a subdivision to create two lots. Showed overheads of the proposal. Typically this would be a plat application, but several items of flexibility are required including lot width, setbacks, lot coverage, and landscape yards. Markegard explained the items of flexibility.

The Planning Commission and staff believe the flexibility measures are in the public interest. Recommend approval of the requested rezoning, preliminary and final development plans, and the preliminary and final plat.

Councilmember Abrams asked how long the building has been vacant. Markegard deferred to the applicant.

Markegard explained that the view shown on the overhead exaggerates the setback. The required setback is 25 feet, proposed is 10 feet.

Michael Mergins said this site has been vacant for 3 years. Looking for flexibility to make sure that every option to get the southern parcel occupied is available. No physical changes requested.

Councilmember Carlson asked if the southern parcel would require any change and be recreated at the cul-de-sac. Markegard said what is proposed is not to physically change but to provide joint access easement to give the southerly parcel rights to use flag lot portion of the northerly parcel.

Councilmember Abrams moved to adopt an ordinance to rezone property at 6100 West 110th Street from IP to IP(PD).

Seconded by Councilmember Busse.
Motion carries 6-0

Councilmember Abrams, moved to approve the Preliminary and Final Development Plan for 6100 West 110th Street, subject to the conditions of approval listed in the staff report.

Seconded by Councilmember Busse.
Motion carries 6-0

Councilmember Abrams, having been able to meet the required findings, moved to approve the Preliminary Plat and adopt a resolution approving the Final Plat for NESBITT INDUSTRIAL PARK 3RD ADDITION, subject to the conditions of approval listed in the staff report.

Seconded by Councilmember Busse.
Motion carries 6-0

9 OTHER: PUBLIC HEARINGS**10 ORGANIZATIONAL BUSINESS****10.1 City Council Policy & Issue Update**

Requested Action: No updates by City Manager Verbrugge.

Councilmember Oleson said that while at Valley View Middle School, he

talked to principal about flashing lights for the crossing that had delays and asked if someone can get in contact with him.
Councilmember Abrams thanked City Manager Verbrugge and the leadership team for the communication efforts and professionalism since Thursday regarding the accident involving the two Public Works employees. She added that the employees concerns, amount of information received was a value to uphold.

10.2 Appoint City Council Secretary

Requested Action: Appoint Denise Dargan to City Council Secretary, effective, February 1, 2016 until December 31, 2016.

Motioned by Councilmember Abrams.
Seconded by Councilmember Busse.
Motion carries 6-0

11 ADJOURN at 7:54 PM

Mayor Winstead adjourned the meeting at 7:54 PM.

Denise Dargan
Council Secretary